



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTON  
ATTORNEY GENERAL**

March 23, 1990

Ms. Susan Gay Dorsett  
Chairperson  
State Committee of Examiners for  
Speech-Language Pathology and Audiology  
1100 West 49th Street  
Austin, Texas 78756-3183

LO-90-11

Dear Ms. Dorsett:

You ask about the continued legality of the use of the term "Certified Hearing Aid Audiologist" as provided by section 9(o) of article 4512j, V.T.C.S.

With certain exceptions, a person may not represent himself or herself as a speech-language pathologist or audiologist in Texas unless he or she is licensed by the Committee of Examiners for Speech-Language Pathology and Audiology in accordance with article 4512j. One of the exceptions to article 4512j provides:

This Act does not prevent the use of the title 'Certified Hearing Aid Audiologist' by a person so certified by the National Hearing Aid Association if the person is a licensed hearing aid dispenser and uses the title solely in connection with fitting and dispensing hearing aids and does not represent himself to be a licensed audiologist under this Act.

V.T.C.S. art. 4512j, § 9(o).

You have provided us with correspondence and reports showing that, in order to terminate litigation regarding the use of the term "audiologist," the National Hearing Aid Society<sup>1</sup> has agreed not to use the term in any title. See

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1. You inform us that the National Hearing Aid Association is now known as the National Hearing Aid Association.  
(Footnote Continued)

generally American Speech-Language-Hearing Association v. National Hearing Aid Society, 22 U.S.P.Q. 779 (T.T.A.B. 1984). Newsletters from the National Hearing Aid Society supplied to its members contained the following directives:

The use of the title 'Certified Hearing Aid Audiologist' must be phased out of all materials by Nov. 1, 1989. ... Use of the title 'Certified Hearing Aid Audiologist' on letterhead, calling cards, advertising, and promotional brochures and other written materials is prohibited after Nov. 1, 1989. You should begin phasing out the title now, as we are here at NHAS Headquarters.

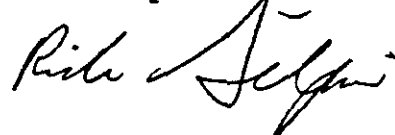
NHAS Winter 1989 Audecibel and April 1989 Confidential Report. The newsletters state that the title "Hearing Instrument Specialist" replaces "Certified Hearing Aid Audiologist." You ask whether section 9(o) permits persons who, before November 1, 1989, were certified by the National Hearing Aid Society as "Certified Hearing Aid Audiologists" to continue to use that designation.

Section 9(o) allows the use of the term "Certified Hearing Aid Audiologist" by "a person so certified by the National Hearing Aid Association." If, as you inform us, that organization no longer authorizes anyone to use the designation "Certified Hearing Aid Audiologist," we think the exception set out in section 9(o) of article 4512j no longer has any application.

Very truly yours,



Sarah Woelk, Chief  
Letter Opinion Section



Rick Gilpin, Chairman  
Opinion Committee

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(Footnote Continued)

Society. Although we have made no independent verification of that name change, we will assume for purposes of this opinion that the two names refer to the same organization.

Prepared by: Sarah Woelk

APPROVED: OPINION COMMITTEE

SW/RG/lcd

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